

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IRON MOUNTAIN INCORPORATED;
IRON MOUNTAIN INFORMATION
MANAGEMENT, INC.; C. RICHARD
REESE; JOHN F. KENNY, JR.; GARRY
B. WATZKE; LARRY L. VARN; and
CHARLES G. MOORE,

Plaintiffs,

v.

THOMAS CARR,

Defendants.

Civil Action
No. 05 10890 RCL

IRON MOUNTAIN INFORMATION
MANAGEMENT, INC.,

Plaintiff,

v.

SYSTRANS FREIGHT SYSTEMS, INC.,

Defendant.

Civil Action No.
05 10999 RCL (consolidated)

**PLAINTIFFS' MOTION IN LIMINE TO PRECLUDE EVIDENCE OF THE ALLEGED
PROMISES ON WHICH PLAINTIFFS
HAVE BEEN GRANTED SUMMARY JUDGMENT**

Plaintiffs/Counterclaim-Defendants Iron Mountain Incorporated and Iron Mountain Information Management, Inc. (together, "Iron Mountain"),¹ respectfully move to preclude evidence regarding the alleged promises on which Iron Mountain has been granted summary

¹ On February 4, 2008, this Court granted a motion for summary judgment filed by Plaintiffs/Counterclaim-Defendants C. Richard Reese, John F. Kenny, Jr, Garry B. Watzke, Larry L. Varn and Charles G. Moore (the "Individuals") and issued a judicial declaration that the Individuals "have no agreements or other legal obligations to [Thomas] Carr...."

judgment. As set forth more fully in the accompanying Memorandum in support hereof, Iron Mountain requests that the Court enter an Order precluding the Defendant/Counterclaim-Plaintiff Thomas Carr ("Carr") from introducing any evidence or offering any testimony regarding the promises allegedly made to him that are no longer at issue in this case.

WHEREFORE, Iron Mountain respectfully requests that the Court enter an Order:

- i) prohibiting Carr from introducing any evidence or offering any testimony regarding the promises allegedly made to him that are no longer at issue in this case; and
- ii) awarding such other relief as is just and appropriate under the circumstances.

Dated: April 3, 2008

Respectfully submitted,

**IRON MOUNTAIN INCORPORATED
and
IRON MOUNTAIN INFORMATION
MANAGEMENT, INC.,**

By their attorneys,

/s/ Ira K. Gross

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LOCAL RULE 7.1 CERTIFICATION

I, Nicholas M. O'Donnell, Esq., certify that on April 2, 2008, as counsel for Iron Mountain Incorporated and Iron Mountain Information Management, Inc., I spoke with Kristen M. Johnson, Esq., counsel for Defendant/Counterclaim-Plaintiff Thomas Carr, in a good faith effort to resolve the subject of the within motion, but the parties were unable to resolve the issue.

/s/ Nicholas M. O'Donnell

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 3, 2008.

/s/ Kevin M. Colmey